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5 **Attorney for Plaintiff,**  
**PHOENIX SOLUTIONS, INC.**

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO**

9 PHOENIX SOLUTIONS, INC., a  
California corporation,

11 Plaintiff,

12 v.

14 WELLS FARGO BANK, N.A., a Delaware  
corporation, *et al.*

16 Defendants.

CASE NO. CV08-0863 MHP

**STIPULATION TO REMOVE  
INCORRECTLY FILED DOCUMENT**

Date: December 1, 2008

Time: 2:00 p.m.

Hon. Marilyn H. Patel

TROJAN LAW OFFICES  
BEVERLY HILLS

Undersigned counsel for Phoenix Solutions, Inc. ("Phoenix") and for Wells Fargo Bank, N.A. and Wells Fargo Funds Management, LLC (collectively "Wells Fargo") hereby jointly respectfully submits this stipulation to remove "locked" Exhibit 2 of the Declaration of R. Joseph Trojan in Support of Phoenix's Reply to Wells Fargo's Opposition to Phoenix's Motion to Strike and/or Dismiss ("Trojan Decl.") from the ECF system.

1. On November 17, 2008, at 2:14 pm, Phoenix inadvertently efiled Exhibit 2 of the Declaration of R. Joseph Trojan in Support of Phoenix's Reply to Wells Fargo's Opposition to Phoenix's Motion to Strike and/or Dismiss, which was intended to be filed under seal. *See* Docket Entry 145.

2. The error was quickly recognized, and by 2:41 pm, Phoenix contacted the ECF HelpDesk and had the document locked.

3. A corrected version of the document was subsequently efiled on 3:03 pm. *See* Docket Entry 147.

4. After conferring, the parties determined it would be mutually beneficial to stipulate to the removal of the locked document from the ECF system.

5. Counsel for Phoenix and Wells Fargo therefore stipulate to, and respectfully request, an Order removing "locked" Exhibit 2 to Trojan Decl. found in Docket Entry 145 from the ECF system.

Respectfully submitted,  
TROJAN LAW OFFICES  
by

Dated: November 17, 2008

/s/R. Joseph Trojan

R. Joseph Trojan  
Attorney for Plaintiff,  
PHOENIX SOLUTIONS, INC.

KEKER & VAN NEST, LLP  
by

Dated: November 17, 2008

/s/Sonali D. Maitra

Sonali D. Maitra  
Attorneys for Defendants,  
WELLS FARGO BANK, N.A.  
WELLS FARGO FUNDS MANAGEMENT, LLC

TROJAN LAW OFFICES  
BEVERLY HILLS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

PHOENIX SOLUTIONS, INC., a  
California corporation,

Plaintiff,

v.

WELLS FARGO BANK, N.A., a Delaware  
corporation, *et al.*

Defendants.

CASE NO. CV08-0863 MHP

~~[PROPOSED]~~ ORDER GRANTING  
STIPULATION TO REMOVE  
INCORRECTLY FILED DOCUMENT

Date: December 1, 2008

Time: 2:00 p.m.

Hon. Marilyn H. Patel

1 Upon the joint stipulation of the parties, and for good cause appearing,

2 IT IS HEREBY ORDERED that locked Exhibit 2 to the Declaration of R. Joseph Trojan  
3 in Support of Phoenix's Reply to Wells Fargo's Opposition to Phoenix's Motion to Strike and/or  
4 Dismiss, found at Docket Entry 145, be removed from the ECF system.

5  
6  
7  
8 Dated: 11/18/2008

Hon. Judge  
United States  
Northern District of California



TROJAN LAW OFFICES  
BEVERLY HILLS